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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER TRAN, TONGOC	
			ART UNIT 2134	PAPER NUMBER
			NOTIFICATION DATE 12/04/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/705,449

Applicant(s)

ALVE ET AL.

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Applicant's amendment filed on 9/5/2007. Claims 1, 2, 6, 8 and 20 have been amended. Claims 1-20 are pending.

Response to Arguments

2. Applicants contend that the cited prior art, Baran et al., Wasilewski and OMA fail to disclose the amended feature of "...sending the encrypted first key from a content display device to a mobile terminal..."; "sending the decrypted first key from the mobile terminal to the content display device". Applicants further contend that Wasilewski and OMA "merely discuss "service distribution organization 103" sending "entitlement management message 111"...Applicants believe it clear, for instance, that a "service distribution organization 103 is not at all like a "content display device" or a "content receiving device", and that a "content provider" is not at all like a "content display device" or a "content receiving device" (remarks, pages 10-11).
3. In the Specification, Applicants refer to the end user equipments such as DVB set top box as well as the content providers such for off-loading the DRM implementation to the mobile terminal such as key decryption and right enforcement. For example, "the identified end user 40 represents a number of hardware and software structures that perform DVB functions, e.g. receiving and decrypting DVB content and messages. The end user structures can be embodied by any suitable known equipment, such as TVs, tuners, or set top boxes programmed to operate in accordance with the DVB standard and the disclosed system (Specification,

paragraph [0017]); In one embodiment, Applicants disclose off-loading DRM implementation from DVB broadcaster to the mobile telephone/data network (i.e. Specification, paragraph [0022], "As shown in FIG. 2, the general approach for transmission of DVB content is modified to employ a mobile terminal 70. The delivery of the encrypted DVB content 1e and encrypted control words within ECMs 25 is done as shown in FIG. 1. The introduction of a mobile terminal, however, allows the system of FIG. 2 to off-load DRM implementation and service requirements from the DVB broadcaster to the mobile telephone/data network"; "The DRM System can be embodied by a computer or a group of computers that are programmed to perform the disclosed operations and are connected to the mobile telephone network such that they can transmit data to mobile terminals. (paragraph, [0027]); "The Protected Application runs on the mobile terminal and performs DRM operations, such as, e.g., key decryption and rights enforcement" ([0029]); "As shown in FIG. 3, the DVB set top box communicates with the mobile terminal over any known communication link, such as a wired connection or a wireless RF or infra red link. One advantageous embodiment would employ Bluetooth for the communications between the set top box and the mobile terminal because it is an established standard and provides a ready made secure connection between the set top box and the mobile terminal. As previously discussed, the mobile terminal 70 is simply hardware device connected to the mobile network and programmed to perform the disclosed functions of the DRM system" (paragraph, [0070]). Therefore, unless the claimed language make clear the

phrase content display device is referring to the end user equipment such as the set top box, the rejection is maintained.

In response to Applicants' request for providing support to the Examiner's taking of Official Notice, two references are hereby provided (U.S. Patent Application No. 2004/0259534 by Chaudhari et al., (e.g. paragraphs 0087, 0112, 0128, JAVA DRM) and U.S. Patent Application Publication No. 2002/0161996 by Koved et al. (e.g. paragraph, 0002, Java Digital Right Management Systems (DRM)); U.S. Patent Application Publication No. 2005/0091683 by Sheynman, e.g. 0030, "a mobile terminal or a user thereof may be suitably billed for the amount of content being edited and recorded" and U.S. Patent Application Publication No. 2004/0105424 by Skoczowski, e.g. Abstract).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baran et al. (U.S. Patent Application Publication No. 2003/0200548) in view of Wasilewski et al. (U.S. Patent Application Publication No. 2005/0259813) and further in view of (Open Mobile Alliance, Digital Rights Management Version 1.0, September 2002, hereinafter OMA)

With respect to claims 1 and 14, Baran discloses method and system for protecting broadcast digital content comprising:

encrypting digital content with a first key (e.g. Baran, [0209], working key);
encrypting the first key with a second key (e.g. Baran, [0209]), service key);
broadcasting the encrypted digital content and the encrypted first key (e.g. Baran, [0202], DVB, ECM); protecting the second key and assigning rights to the second key (e.g. Baran, [0210]), EMM). Baran does not disclose transmitting the protected second key and the assigned rights to a mobile terminal over a mobile network; sending the encrypted first key from a content protected second key in accordance with the assigned rights; and sending the decrypted first key from the mobile terminal to the content display device. However, Wasilewski discloses protected second key and assigned rights may be transmitted via a separate channel from ECM such as through a radio frequency link (e.g. Wasilewski, [0053]). OMA discloses content and rights object being sent to a mobile terminal DRM implementation or key decryption and right enforcement (OMA, page 7, Fig. 1 DRM methods). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the protected broadcasting digital content taught by Baran with the transmitting second key through an rf link taught by Wasilewski with OMA's teaching of transmitting rights object to a mobile terminal to conserve broadcasting bandwidth.

With respect to claim 2, Baran, Wasilewski and OMA disclose the method of claim 1. OMA further discloses sending the encrypted first key from the content display

device to the mobile terminal and decrypting the encrypted first key with the protected second key in accordance with the assigned rights and send the decrypted first key from the mobile terminal to the content display device (e.g. OMA, page 8, 4.2, first paragraph).

With respect to claim 3, Baran, Wasilewski and OMA disclose the method of claim 1 wherein the second key is protected by encrypting it with a user specific key (e.g. Baran, [0210]).

With respect to claim 4, Baran, Wasilewski and OMA disclose the method of claim 1 wherein the assigned rights are transmitted in a protected voucher (e.g. Baran, [0210], EMM).

With respect to claims 5, Baran, Wasilewski and OMA disclose the method of claim 1 wherein the assigned rights at least include a right to play the encrypted digital content once (e.g. OMA, Fig. 1 DRM methods, separate delivery, rights, "you can play only once").

With respect to claims 6, Baran, Wasilewski and OMA disclose the method of claim 1 wherein the second key is protected in accordance with the Open Mobile Alliance (OMA) standard (e.g. OMA, chapter 4).

With respect to claim 7, Baran, Wasilewski and OMA disclose the method of claim 1 wherein an executable application is transmitted to the mobile terminal (e.g. OMA, chapter 4, DRM).

With respect to claim 8, Baran, Wasilewski and OMA disclose the method of claim 2 transmitting a protected executable application to the mobile terminal, wherein the protected executable application is decrypted using the second key (e.g. OMA, chapter 4.2).

With respect to claim 9, Baran, Wasilewski and OMA disclose the method of claim 8 wherein the executable application further enables the mobile terminal to decrypt the first key (e.g. OMA, chapter 4.2).

With respect to claims 10 and 15, Baran discloses a method and system for viewing potential digital content comprising:

Receiving encrypted digital content and an encrypted first key at a content display device over a one-way transmission link (e.g. Baran, [0193] and [0209]);

Receiving a protected second key and assigned rights; Decrypting the encrypted first key with the protected second key in accordance with the assigned right (e.g. Baran, [0210]); decrypting at the content display device, the encrypted digital content with the decrypted first key (e.g. Baran, [0209 and 0210]).

Baran does not disclose sending the encrypted first key from the content display device to the mobile terminal over a two way transmission link; Sending the decrypted first key from the mobile terminal to the content display device. However, Wasilewski discloses protected key and assigned rights may be transmitted via a separate channel from ECM such as through a radio frequency link (e.g. Wasilewski, [0053]). OMA discloses content and rights object being sent to a mobile terminal (OMA, page 7, Fig. 1 DRM methods). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the protected broadcasting digital content taught by Baran with the transmitting protected key through an rf link taught by Wasilewski with OMA's teaching of transmitting rights object to a mobile terminal to conserve broadcasting bandwidth.

With respect to claim 11, Baran, Wasilewski and OMA disclose the method of claim 11 wherein further comprising receiving an executable application at the mobile terminal wherein the executable application enables the mobile terminal to decrypt the second key (e.g. OMA, chapter 4.2).

With respect to claim 12, Baran, Wasilewski and OMA disclose the method of claim 11 wherein the executable application further enables the mobile terminal to decrypt the first key (e.g. OMA, chapter 4,2).

With respect to claim 13, Baran, Wasilewski and OMA disclose the method of

claim 10 further comprising: sending a request for content rights usage from a mobile terminal over a mobile network (e.g. OMA, chapter 4, Fig. 1, DRM methods).

With respect to claim 16, Baran, Wasilewski and OMA disclose the system of claim 15 wherein the mobile terminal is further programmed to receive and display content selection choices, and wherein the mobile terminal receives the protected second key and the rights voucher in response to a content request (e.g. OMA, page 7, chapter 4 and page 8, 4.2, first paragraph).

With respect to claim 17, Baran, Wasilewski and OMA disclose the system of claim 16. Baran, Wasilewski and OMA does not disclose wherein the content request is billed to a billing account associated with the mobile terminal. However, billing content request through mobile billing account is old and well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement mobile billing with viewer control of digital content taught by Baran to provide effective billing services for users.

With respect to claim 18, Baran, Wasilewski and OMA disclose the system of claim 15 wherein the short range network is a Bluetooth network (e.g. Baran, [0414]).

With respect to claim 19, Baran, Wasilewski and OMA disclose the system of claim 15. Baran, Wasilewski and OMA does not explicitly disclose implementing java in

the DRM application program. However, implementing java application program is old and well known in distributed network environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Java in the OMA DRM mobile terminal environment taught by OMA for its cross platform advantage.

With respect to claim 20, Baran, Wasilewski and OMA disclose the system of claim 15 wherein the rights voucher complies with Open Mobile Alliance (OMA) Digital Right Management (DRM) and the second key is protected in accordance with OMA DRM (e.g. OMA, chapter 4).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT

November 27, 2007


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER